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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,830	06/26/2003	Satoshi Endo	2003_0882A	4107

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EXAMINER

NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,830	Applicant(s) ENDO, SATOSHI	
	Examiner Linh T. Nguyen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being unpatentable by Asakura et al (US Paten Number 6681018).

In regards to claim 1, Asakura et al discloses multi-source surround audio apparatus for, in accordance with an instruction from a user (Fig. 1), performing selective surround sound reproduction of audio signals which are inputted from a plurality of sound sources including a DVD (Fig. 1, element 4), the apparatus comprising: sound source detection means for detecting a sound source of an inputted audio signal based on the instruction from the user (Fig. 1; user is able to choose from CD, tape, DVD, etc...); DVD audio signal reproduction means (Fig. 1, element 4) for, if the detected sound source is a DVD, reproducing the DVD to generate a DVD reproduced audio signal (Column 5, lines 10-16); reproduced signal determination means for determining whether the DVD reproduced audio signal is a 5.1-channel digital surround audio signal or a 2-channel digital audio signal and generating a determination signal indicating a result of the determination (Column 6, lines 61-64 to

Column 7, lines 1-2); and a digital surround effector for, if the determination signal indicates that the DVD reproduced audio signal is a 5.1-channel digital surround audio signal, converting the DVD reproduced audio signal to a 2-channel digital surround audio signal (Column 6, lines 65-67 and Column 7, lines 1-6).

In regards to claim 2, Asakura et al discloses the multi-source surround audio apparatus according to claim 1, further comprising: an analog surround effector for converting an audio signal to a 2-channel surround audio signal (Column 6, lines 61-67); and first effector driving means for, if the DVD reproduced audio signal is a 2-channel digital audio signal, activating the analog surround effector to convert the DVD reproduced audio signal to a 2-channel surround audio signal (Column 7, lines 1-6).

In regards to claim 3, Asakura et al discloses the multi-source surround audio apparatus according to claim 1, further comprising: an analog surround effector for converting an audio signal to a 2-channel surround audio signal (Column 7, lines 1-6); audio signal reproduction means for, if the detected sound source is not a DVD, extracting an audio signal from the sound source and generating a reproduced audio signal therefrom (Fig. 2, elements 22 and 23, detects the sources 11-20); and second effector driving means for activating the analog surround effector to convert the reproduced audio signal to a 2-channel surround audio signal (DSP 23 converts 5-channels to 2 channels; Column 5, lines 1-5, 11-15 and Columns 7, lines 1-5).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
June 6, 2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER